

THE HONORABLE BENJAMIN H. SETTLE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOSH THOMAS, an individual, on behalf of)
himself and all others similarly situated,)

Plaintiff,)

v.)

JPMORGAN CHASE & CO., a Delaware)
corporation,)

Defendant.)

Case No. 3:20-cv-05902-BHS

**DECLARATION OF PRASHANT
SINGH IN SUPPORT OF MOTION OF
JPMORGAN CHASE BANK, N.A. TO
COMPEL ARBITRATION AND STAY
ACTION**

Noted For Consideration:
November 20, 2020

1 I, PRASHANT SINGH, hereby declare as follows:

2 1. I am the an Executive Director, Product Management Director, and Director of
3 Pricing Processes, Strategy, Competitive Intelligence and Customer Experience for credit card
4 services provided by JPMorgan Chase Bank, N.A. ("JPMC"). I am familiar with JPMC's
5 credit card processing system for card customers and the manner in which it stores contracts
6 governing customers' credit cards. I make this declaration in support of JPMC's Motion to
7 Compel Arbitration filed in this matter. The information below is based on my knowledge of
8 these systems and my review of JPMC's business records and files relating to the Amazon
9 Rewards Visa Signature credit card ending in 0363 issued to plaintiff Josh Thomas ("the
10 Account"), which is at issue in this matter. Except where based on my review of records and
11 documents regularly maintained in the ordinary course of JPMC's business, the matters set
12 forth below are within my personal knowledge and, if called as a witness, I could and would
13 competently testify to them.

14 2. The Account was issued by an affiliated entity, Chase Bank U.S.A., N.A.
15 ("Chase Bank"). Chase Bank merged with JPMC on or around May 18, 2019, and JPMC is the
16 surviving entity. The Cardmember Agreement governing the Account was assigned to JPMC
17 effective May 18, 2019. The records of the Account are now held by JPMC.

18 3. Upon approving a credit card application during the time period in which the
19 Account was opened, Chase Bank would mail the credit card to the applicant, along with a
20 copy of the Cardmember Agreement governing the account. Each version of the Cardmember
21 Agreement was assigned a unique identifying number that allows JPMC to track which version
22 was sent to each customer and when.

23 4. I have reviewed JPMC's business records with respect to the Account and
24 identified the Cardmember Agreement that was sent to Mr. Thomas upon opening the Account.
25 I have also identified notices that JPMC sent to Mr. Thomas informing him of changes to the
26 Cardmember Agreement.

27 5. Attached hereto as **Exhibit A** is a true and correct copy of the Cardmember

1 Agreement (CFB00306) for the Account, which was mailed to Mr. Thomas when he opened
2 the Account on July 10, 2015.

3 6. Attached hereto as **Exhibit B** is a true and correct copy of the notice titled
4 “Important Changes to Your Account Terms” (CTE021) related to the Account, which was
5 mailed to Mr. Thomas on May 21, 2019. This notice added a new section titled “Arbitration
6 Agreement” to the Cardmember Agreement, which requires binding arbitration, on an
7 individual, non-class basis, of disputes between the cardmember and JPMC and related entities
8 if the cardmember does not timely exercise his or her right to opt out of arbitration as set forth
9 in the notice. Per the notice, Mr. Thomas could have opted out of the Arbitration Agreement
10 by mailing a written rejection notice to JPMC at P.O. Box 15298, Wilmington, DE, 19850-
11 5298 no later than August 9, 2019. Mr. Thomas did not opt out of the Arbitration Agreement.
12 I can determine this because it is JPMC’s standard business practice to include a note in the
13 computerized account records of those cardmembers who chose to opt out. The records for the
14 Account do not reflect any such note.

15 7. Monthly account statements are sent to JPMC cardmembers who carry a balance
16 on their accounts or are otherwise required to receive a monthly statement, and records are
17 retained of those account statements sent to cardmembers. The records for the Account reflect
18 that, after JPMC sent the notice titled “Important Changes to Your Account Terms” attached
19 hereto as Exhibit B, Mr. Thomas proceeded to make multiple charges on the Account and make
20 multiple payments on the Account since then.

21 I declare under penalty of perjury under the laws of the United States of America that
22 the foregoing is true and correct.

23 Dated: October 22, 2020

24 
25 _____
26 PRASHANT SINGH
27

CERTIFICATE OF SERVICE

I certify that, on the date indicated below, I caused the foregoing document to be presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to all attorneys and parties of record.

I affirm under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge.

SIGNED October 26, 2020, at Seattle, Washington.

s/ Peter Elton

Peter Elton
Legal Assistant